

10/19/01

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Thursday, November 15, 2001 1:33 PM

To: Yin

From: 310-449-1756



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D C 20231

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED

10/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RECEIVED

OCT 21 2004

OFFICE OF PETITIONS

Office Action Summary	Application No		Applicant(s)	
	09/258,601		SHNEIDMAN, JONATHAN	
	Examiner		Art Unit	
	Nitin Patel		2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 CFR 1.136(a) in no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133)
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b)

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 1999
- 2a) ☐ This action is FINAL 2b) ☐ This action is non-final
- 3) ☐ Since this application is in condition for allowance except for formal matters prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed
- 6) ☐ Claim(s) _____ is/are rejected
- 7) ☐ Claim(s) _____ is/are objected to
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a)
- 11) ☐ The proposed drawing correction filed on _____ is a) ☐ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action
- 12) ☐ The oath or declaration is objected to by the Examiner

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)
a) ☐ All b) ☐ Some * c) ☐ None of
- 1 ☐ Certified copies of the priority documents have been received
- 2 ☐ Certified copies of the priority documents have been received in Application No. _____
- 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))
- * See the attached detailed Office action for a list of the certified copies not received
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
a) ☐ The translation of the foreign language provisional application has been received
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

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Election/Restriction

- 1 Restriction to one of the following inventions is required under 35 U S C 121
 - I Claims1-10, drawn to communicating information between computers, classified in class 345, subclass 2.1
 - II Claims11-20, drawn to touch sensitive screen with display, classified in class 345, subclass 173

The inventions are distinct, each from the other because of the following reasons

Inventions I and II are related as combination and subcombination Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806 05(c)) In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed the communicating system could use other portable computer instead of the sensitive screen The subcombination has separate utility such as a desktop portable computer, a cash register with touch screen

- 2 Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper

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3 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Patel whose telephone number is 703-308-7024. The examiner can normally be reached on 8 00-5 00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin H Shalwala can be reached on 703-305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9052 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9618.

Nitin Patel
Examiner
Art Unit 2673

NP
October 18, 2001


KENT CHANG
PRIMARY EXAMINER

Form PTO 948 (Rev 8-98)

U S DEPARTMENT OF COMMERCE - Patent and Trademark Office

Application No

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 2/16/01 areA ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152B ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

1 DRAWINGS 37 CFR 1.84(a) Acceptable categories of drawings

Black ink Color

☐ Color drawings are not acceptable until petition is granted

Fig(s) _____

☐ Pencil and non black ink not permitted Fig(s) _____

2 PHOTOGRAPHS 37 CFR 1.84(b)

☐ 1 full-tone set is required Fig(s) _____☐ Photographs not properly mounted (must use bristol board or photographic double-weight paper) Fig(s) _____☐ Poor quality (half-tone) Fig(s) _____

3 TYPE OF PAPER 37 CFR 1.84(c)

☐ Paper not flexible, strong, white, and durable

Fig(s) _____

☐ Erasures, alterations, overwritings, interlineations,☐ folds, copy machine marks not accepted Fig(s) _____☐ Mylar, velum paper is not acceptable (too thin)

Fig(s) _____

4 SIZE OF PAPER 37 CFR 1.84(f) Acceptable sizes

☒ 21.0 cm by 29.7 cm (DIN size A4)☐ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)☐ All drawing sheets not the same size

Sheet(s) _____

☐ Drawings sheets not an acceptable size Fig(s) _____

5 MARGINS 37 CFR 1.84(g) Acceptable margins

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE 8 1/2 x 11

☐ Margins not acceptable Fig(s) _____☒ Top (T)☒ Right (R)☒ Left (L)☒ Bottom (B)

6 VIEWS 37 CFR 1.84(h)

REMINDER Specification may require revision to correspond to drawing changes

Partial views 37 CFR 1.84(h)(2)

☐ Brackets needed to show figure as one entity

Fig(s) _____

☐ Views not labeled separately or properly

Fig(s) _____

☐ Enlarged view not labeled separately or properly

Fig(s) _____

7 SECTIONAL VIEWS 37 CFR 1.84(h)(3)

☐ Hatching not indicated for sectional portions of an object

Fig(s) _____

☐ Sectional designation should be noted with Arabic or

Roman numbers Fig(s) _____

8 ARRANGEMENT OF VIEWS 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs Fig(s) _____

9 SCALE 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction

Fig(s) _____

10 CHARACTER OF LINES, NUMBERS, & LETTERS 37 CFR 1.84(i)

☐ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality)Fig(s) 1-30

11 SHADING 37 CFR 1.84(m)

☐ Solid black areas pale Fig(s) _____☐ Solid black shading not permitted Fig(s) _____☒ Shade lines, pale, rough and blurred Fig(s) _____

12 NUMBERS, LETTERS, & REFERENCE CHARACTERS 37 CFR 1.84(p)

☐ Numbers and reference characters not plain and legible

Fig(s) _____

☐ Figure legends are poor Fig(s) _____☐ Numbers and reference characters not oriented in the

same direction as the view 37 CFR 1.84(p)(1)

Fig(s) _____

☐ English alphabet not used 37 CFR 1.84(p)(2)

Figs _____

☐ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height 37 CFR 1.84(p)(3)

Fig(s) _____

13 LEAD LINES 37 CFR 1.84(q)

☐ Lead lines cross each other Fig(s) _____☐ Lead lines missing Fig(s) _____

14 NUMBERING OF SHEETS OF DRAWINGS 37 CFR 1.84(t)

☐ Sheets not numbered consecutively, and in Arabic numerals beginning with number 1 Sheet(s) _____

15 NUMBERING OF VIEWS 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1 Fig(s) _____

16 CORRECTIONS 37 CFR 1.84(w)

☐ Corrections not made from prior PTO-948 dated _____

17 DESIGN DRAWINGS 37 CFR 1.152

☐ Surface shading shown not appropriate Fig(s) _____☐ Solid black shading not used for color contrast

Fig(s) _____

COMMENTS

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities--37 CFR 1.85

File new drawings with the changes incorporated therein. The application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application, should be placed on the back of each sheet of drawings in accordance with 37 CFR 1.84(c). Applicant may delay filing of the new drawings until receipt of the Notice of Allowability (PTOL-37). Extensions of time may be obtained under the provisions of 37 CFR 1.136. The drawing should be filed as a separate paper with a transmittal letter addressed to the Drawing Processing Branch.

2. Timing for Corrections

Applicant is required to submit acceptable corrected drawings within the three-month shortened statutory period set in the Notice of Allowability (PTOL-37). If a correction is determined to be unacceptable by the Office, applicant must arrange to have acceptable corrections resubmitted within the original three-month period to avoid the necessity of obtaining an extension of time and paying the extension fee. Therefore, applicant should file corrected drawings as soon as possible.

Failure to take corrective action within set (or extended) period will result in **ABANDONMENT** of the Application.

3. Corrections other than Informalities Noted by the Drawing Review Branch on the Form PTO-948

All changes to the drawings, other than informalities noted by the Drawing Review Branch, **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.